

REMARKS

Reconsideration of the present application as amended is respectfully requested.
Claims 1-10, 25-30 are pending. Claims 11-24 have been cancelled without prejudice.
Claims 1, 3-5, 9, 25 have been amended. Claims 29 and 30 are new.

Restriction Requirement

Applicant hereby elects Group I, identified by the Examiner as claims 1-10 and 25-28.

Claim Rejections - 35 U.S.C. § 102/103

The Examiner has rejected claims 1-3, 5-6, 10 and 25,26 under 35 U.S.C. 102(b) as being anticipated by Isono (US Patent 5,458,985). The Examiner has also rejected claims 1-3, 5-7, 10, 25-27 under 35 U.S.C. 103 as obvious over Isono. The Applicant respectfully traverses.

In claims 1-3, 5-7, 10, 25-27, as amended, Applicant has taught and claimed a tool comprising a base portion with deposited nickel layer having *a greater hardness than the hardness of the base portion*. It is Applicant's position that Isono fails to teach Applicant's microtool as claimed in 1-3, 5-6, 10, and 25-26, because Isono merely discloses a first layer and a base portion which are both nickel (Isono, col 5, ln 20 and col 5, ln 65). Because Isono is silent on the relative hardness of the base portion and first layer, Isono fails to anticipate Applicant's amended independent claims 1 and 25 which specify a deposited nickel layer that is harder than the base portion. Noting that dependent claims 3 and 5 have also been amended to retain a proper antecedent basis, the Applicant respectfully requests the Examiner to remove the 35 U.S.C. §102 rejection from claims 1-3, 5-6, 10 and 25-26.

Furthermore, it is Applicant's position that Isono fails to render Applicant's claims 1-3, 5-7, 10, 25-27 obvious. Applicant teaches the improved wear resistance of a stamper which, as claimed, has a permanent deposited nickel layer of greater hardness than the base portion. In contrast, Applicant understands Isono to disclose a deposited nickel layer to be

unnecessary to the final structure of the Isono stamper. The Isono deposited nickel layer, or “first” layer, is merely an interim structure enabling the fabrication of a pure nickel base portion having the required fidelity. Specifically, Isono states, “*nickel electroformed layer alone* is separated from the glass master to make a stamper” (Isono Fig. 5i as described in Col 6, lines 47-49). Because Isono’s pure nickel base stamper does not necessarily require a permanent deposited nickel “first” layer, Applicant understands Isono to teach away from Applicant’s hardened stamper comprised of a base portion and a *permanently retained* deposited nickel layer having greater hardness than the base portion. Therefore, it is Applicant’s position that claims 1-3, 5-7, 10, 25-27 are not obvious in view of Isono and Applicant respectfully requests the Examiner to remove the 35 U.S.C. §103 rejection to these claims.

Allowable Subject Matter

The Examiner has indicated that claims 4, 8, 9 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has rewritten dependent claims 4 and 8 in independent form as new claims 29 and 30 which include the limitations of original independent claim 1 and intervening dependent claims. Claim 28 has been amended into independent form to include the limitations of original independent claim 25. As such, independent claims 28, 29 and 30 should be in a condition for allowance. Claim 9 has been left in dependent form and amended to retain a proper antecedent basis to amended independent claim 1.

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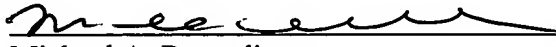
Applicant respectfully submits that the present application as amended is now in condition for allowance.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Michael A. Bernadicou
Reg. No. 35,934

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300